

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MONTE RUSSELL, on behalf of himself and
others similarly situated,

Plaintiff,

v.

WELLS FARGO AND COMPANY,

Defendant.

Case No. C-07-3993-CW

**DECLARATION OF T. JOSEPH
SNODGRASS IN SUPPORT OF
PLAINTIFF'S MEMORANDUM IN
SUPPORT TO STRIKE AND
INVALIDATE DEFENDANT'S RULE 68
OFFERS**

EXHIBIT D

L A R S O N • K I N G, L L P

T. JOSEPH SNODGRASS

Attorney at Law

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January 3, 2008

VIA FACSIMILE ONLY

Theresa A. Kading, Esq.
Hodel Briggs Winter LLP
8105 Irvine Center Drive, Suite 1400
Irvine, CA 92618

Re: *Monte Russell v. Wells Fargo & Company*
Court File No. C 07-0993 CW
Our File No. 1-542-0001

Dear Ms. Kading:

I received Wells Fargo document production numbered WF R 0001 to 0113. The documents that will be most helpful to the Plaintiffs for purposes of mediating this dispute are documents 0112 and 0113. In addition to our prior request for documents and information, we have the following questions, comments and requests concerning these pay records.

1. Confirmation That the "NBILL Category" Reflects Time in Excess of 40 Hours per Week

First, in these types of cases, we typically receive weekly pay records so that we can calculate overtime in excess of over 40 hours. Here, Wells Fargo has provided monthly pay periods. However, we understand that the "NBILL" categories may reflect time worked in excess of 40 hours per week. We would ask for confirmation that the NBILL category is in fact time worked in excess of 40 hours per week. If that is not your understanding of this category, we will need to discuss getting weekly detail for the employees at issue.

2. Time Records For Three Years

As you are aware, the parties have many disagreements including whether the statute of limitations should be two or three years. For Mr. Russell, we would request pay records going back three years from the date of filing and three years from the date of the tolling agreement for the other putative collective action members.

Theresa A. Kading, Esq.

January 3, 2008

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3. Production of Remaining Items

Ultimately, in order for us to participate in the mediation, we are going to need to get the remaining documents/information previously requested including the detail on the hours at issue for other putative collective action members. For obvious reasons, we need to get these documents well in advance of the date our mediation statement is due (February 8, 2008).

Thank you in advance for your attention to these items.

Very truly yours,

LARSON • KING, LLP

A handwritten signature in black ink, appearing to read "T. Joe S." followed by a stylized surname.

T. Joseph Shodgrass

TJS/rm